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10/553,360	10/14/2005	Christopher Bernard Davies	IPU1954-004	3655

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EXAMINER	
MONFELDT, SARAH M	
ART UNIT	PAPER NUMBER
3684	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/553,360	DAVIES ET AL.	
	Examiner	Art Unit	
	SARAH M. MONFELDT	3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 November 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14,16-32 and 34-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14,16-32 and 34-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION
Status of Claims

1. This action is in reply to the Amendment/Response filed on 9 November 2009.
2. Claims 31, 34, 36 and 37 were amended.
3. Claim 33 was canceled.
4. Claims 1-14, 16-32, 34-45 are currently pending and have been examined.

Information Disclosure Statement

5. The information disclosure statement filed 29 February 2009 fails to comply with 37 CFR 1.97(c) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.

   Please note that the IDS filed on 29 February 2009 does not include a **CERTIFICATION STATEMENT, ***the box NONE was checked*** on the Information Disclosure Statement filed 23 February 2009.

Claim Rejections - 35 USC § 101

6. The 101 rejections set forth in the previous Office Action have been withdrawn in view of Applicants amendments and comments.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

   > The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular line 1 recites "a receipt" and "a transaction", line 3 recites "the transaction receipt," however, "transaction receipt" was never previously recited and therefore does not have antecedent basis in the claim. The claim recited separately "a receipt" and "a transaction". Furthermore, line 6 recites "a transaction," is this the same "transaction" recited in line 1? Additionally, line 7 recites "a receipt", is this the same receipt recited in line 1 or the "transaction receipt" recited in line 3? Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claim 36 is rejected under 35 U.S.C. 102(e) as being anticipated by Berardi et al. (US 7239226).

Claim 36 –

As per claim 36, Berardi et al. disclose *a method of authorising a transaction* having the limitations of:

- *receiving, on a processor adapted to authorize the transaction, an identifier including identity information for a mobile device; (see at least col. 5, ll. 6-7 ("transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization*

center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account") of Berardi et al.)

- *using the received identifier to locate, on the processor, a set of one or more authorisation codes for payment systems; (see at least col. 5, ll. 6-7 ("transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account") of Berardi et al.)*
- *receiving, on the processor, transaction information; (see at least col. 18, ll. 9-54 of Berardi et al.)*
- *authorizing, on the processor, the transaction information with a payment system by use of an authorisation code from said set. (see at col. 18, ll. 51-54 "if a match is made, …, the transaction may be allowed to be completed of Berardi et al.)*

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 1-7, 9-12, 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Shore (US 2003/0149662).

Claim 1 –

As per claim 1, Berardi et al. disclose *a payment apparatus for use in authorised transactions* having the limitations of:

- *i) at least one client device provided with an input for communicating with one or more mobile devices; (see at least Fig. 1A, "RFID reader"; col. 5, ll. 5-9 ("transponder 102 may provide the transponder identification and/or account identification to the RFID reader"); col. 5, ll. 15-16 (communicate via RF communication); col. 5, ll. 16-19 (typical devices may include, for example, a key ring, tag, card, cell phone, wristwatch or any such form…") of* Berardi et al.)
- *wherein the at least one client device is adapted to receive from a mobile device a first part of the authorization data and identity information for said mobile device via its input and send said first part of the authorization data and the mobile device identity information to the at least one server; (see at least col. 5, ll. 6-7 ("transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account") of Berardi et al.)*

Berardi et al. do not explicitly disclose:

- *ii) at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data;*

Adam et al. teach *ii) at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data;* (*see at least paragraphs [0038], [0039] ("server comprises … a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored…, interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, …"), [0115] (CSC controls the transactions carried out by the customers and merchants), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits") of Adam et al.*). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.).

Berardi et al. do not explicitly disclose:

- *wherein the at least one server device is provided with a user data store adapted to store one or more sets of user-specific data for use in authorizing transactions,*

Adam et al. teach *wherein the at least one server device is provided with a user data store adapted to store one or more sets of user-specific data for use in authorizing transactions* (*see at least paragraphs [0039] ("server comprises … a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored…, interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, …"), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits") of Adam et al.*). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.).

Berardi et al. do not explicitly disclose:

- *said at least one server device being adapted to store a second part of the authorisation data comprising financial data relating to a user of the mobile device in association with said first part of the authorisation data and the mobile device identity information and, in response to receiving said first part of the authorisation data and the mobile device identity data, to verify said authorisation data and to retrieve said second part of the authorization data comprising the user's financial data to complete a transaction,*

Adam in view of Campisano teach *said at least one server device being adapted to store a second part of the authorisation data comprising financial data relating to a user*

of the mobile device in association with said first part of the authorisation data and the mobile device identity information and, in response to receiving said first part of the authorisation data and the mobile device identity data, to verify said authorisation data and to retrieve said second part of the authorization data comprising the user's financial data to complete a transaction ((1) *see at least paragraphs [0028] (the communication unit is adapted to identify the mobile phone by receiving an identifying RF signal from the mobile phone), [0039] ("server comprises … a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored…, interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, …"), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits"),* [0168] ("[o]nce POS 52 has received the customer's (*or his mobile phone) identification details in communication message 56…") *of Adam et al.*); (2) see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. and cross-linking of a card holders phone number to the credit card number and providing the customer with a corresponding PIN One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.), since it allows for the consumer to provide the PIN corresponding the card he or she

wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano) and since the validation process should be fierily quick and will retrieve the credit card linked to the phone number and PIN the card holder provided (see at least col. 2, ll. 32-35 of Campisano).

Berardi et al. do not explicitly disclose:

- *wherein the at least one server device is provided with a user data maintenance process for storing and updating user data in the user data store.*

Shore teach *wherein the at least one server device is provided with a user data maintenance process for storing and updating user data in the user data store* (see at least Figs. 24, 26, 28; paragraphs [0427]-[0429]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include user menu to update the persons profile and financial data as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since allowing a user to update personal and financial information ensures that the users information is up to date.

Claim 2 –

As per claim 2, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein at least one set of user-specific data is stored in association with a said first part of the authorisation data. (see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account") of Berardi et al.)*

Claim 3 –

As per claim 3, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *further comprising a list processor for processing a list of items covered by a transaction. (see at least col. 18, ll. 9-28 ("the transaction account associated with the fob may include a restriction, such as, for example, a per purchase spending limit, a time of day use, a day of week use, certain merchant use, and/or the like") of Berardi et al.)*

Claim 4 –

As per claim 4, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 3 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the list processor is adapted to access user-specific data for use in processing a list in the course of a transaction. (see at least col. 18, ll. 9-28 ("the transaction account associated with the fob may include a restriction, such as, for example, a per purchase spending limit, a time of day use, a day of week use, certain merchant use, and/or the like") of Berardi et al.)*

Claim 5 –

As per claim 5, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 4 as described above.

Adam et al. further teach:

- *wherein the list processor is adapted to use said user-specific data to apply a discount in relation to said transaction. (see at least paragraphs [0142], [0144]-[0150] of Adam et al.)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include within the database additional information on customers preferences, special deals or discounts offered by specific merchants, etc. as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows for special discounts or sales to be transmitted to customers (see at least paragraph [0142] of Adam et al.).

Claim 6 –

As per claim 6, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the apparatus is further provided with a connection, in use, to a public network. (see at least col. 5, l. 57 through col. 6, l. 3 (ISP, cable modem, dish networks, ISDN, etc.) of Berardi et al.)*

Claim 7 –

As per claim 7, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above.

Adam et al. further teach:

- *wherein the apparatus is further provided with a receipt generator for generating transaction receipts, and the receipt generator is adapted to refer to user-specific data in generating a transaction receipt.* (see at least paragraphs [0041], [0177] of Adam et al.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include receipt or other forms of proof of purchase as taught by Adam et al. One of ordinary skill in the art at the time of the

invention would have been motivated to expand the apparatus of Berardi et al. in this way since a receipt/proof of purchase is provided to the customer for his purchase and is for the merchant's documentation (see at least paragraph [0041] of Adam et al.).

Claim 9 –

As per claim 9, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above.

Campisano further teach:

- *wherein each set of user-specific data is stored in association with a respective user identifier.*

Campisano teach *wherein each set of user-specific data is stored in association with a respective user identifier* (see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include entering of one of multiple PINs associated with a phone number and a specific credit card on as taught by Campisano on the keypad of Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano).

Claim 10 –

As per claim 10, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 9 as described above.

Campisano further teach:

- *wherein more than one user identifier may be stored in relation to at least one user, a different set of user-specific data being stored in association with each user identifier related to that user.*

Campisano teach *wherein more than one user identifier may be stored in relation to at least one user, a different set of user-specific data being stored in association with each user identifier related to that user* (see at least col. 1, ll. 46-51 (“cross-linking the cardholder’s phone number to the credit card number and providing the customer with a corresponding PIN”; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include entering of one of multiple PINs associated with a phone number and a specific credit card on as taught by Campisano on the keypad of Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano).

Claim 11 –
As per claim 11, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above.

Campisano further teach:

- *wherein, in use, at least one set of user-specific data comprises an ordered list of funds.*

Campisano teach *wherein, in use, at least one set of user-specific data comprises an ordered list of funds* (see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include entering of one of multiple PINs associated with a phone number and a specific credit card on as taught by Campisano on the keypad of Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano).

Claim 12 –

As per claim 12, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 11 as described above. Adam et al. in view of Shore do not explicitly disclose the following limitations:

- *wherein said ordered list is sorted according to type of goods. (see at least col. 18, ll. 9-28 ("the transaction account associated with the fob may include a restriction, such as, for example, a per purchase spending limit, a time of day use, a day of week use, certain merchant use, and/or the like") of Berardi et al.)*

Claim 38 –

As per claim 38, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one client device is adapted to receive a first part of the authorisation data input into the mobile device in real time by a user of said mobile device. (see at least col. 5, ll. 6-7 ("transponder 102 may provide the*

transponder identification and/or account identifier to the RFID reader 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account"), col. 3, ll. 7-8 (radio frequency) of Berardi et al.)

Claim 39 –

As per claim 39, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one client device is adapted to receive separately the first part of the authorisation data and the mobile device identity information from the mobile device. (see at least col. 5, ll. 6-7 ("transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account") of Berardi et al.)*

Claim 40 –

As per claim 40, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 39 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one client device is adapted to issue a request to the mobile device requesting the mobile device identity information …. (see at least col. 5, ll. 3-4 (fob is interrogated by the RFID reader), col. 5, ll. 6-7 ("transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS*

using … a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account") of Berardi et al.)

Berardi et al. does not explicitly disclose:

- *requesting the mobile device identity information in response to receiving the first part of the authorization data from the mobile device.*

While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function alone. Moreover, the manner or method in which machine is to be utilized is not germane to issue of patentability of machine itself. As such, Berardi et al. discloses *"transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104" and verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader"*, therefore disclosing the claimed apparatus. Moreover, Campisano discloses a phone number and pin are entered and sent to a database for verification (see at least col. 1, ll. 46-51; col. 2, ll. 2-25, 33-35 of Campisano). The Examiner notes at least at paragraph [0065] of Applicants published version of the Application the PIN and phone number are sent to the Tagboard server to check to see if they are registered. As presented above, Campisano sends both the PIN and phone number to a database to verify. Please note, if a new combination of old elements is to be patentable, the elements must cooperate in such manner as to produce a new, unobvious, and unexpected result. Entering the PIN before or after the phone number has no patentable significance since entering the PIN prior to the number or after the number both result in verifying an associated account.

Claim 41 –

As per claim 41, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the first part of the authorization data comprises a user personal identity number 'PIN'. (see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account") of Berardi et al.)*

Claim 42 –

As per claim 42, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one client device is located at the point of sale 'POS'. (see at least col. 3, ll. 26-29 ("RFID reader may forward the information to a point of interaction device (e.g. POS or computer interface) for transaction completion"), col. 5, ll. 32-34 of Berardi et al.)*

Claim 43 –

As per claim 43, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one server device connects to a finance system associated with the user of the mobile device to complete the transaction. (see at least col. 18, ll. 47-54 (if a match is made, …, and the transaction may be allowed to be completed) of Berardi et al.)*

14. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Shore (US 2003/0149662) as applied to claim 7 above, further in view of Nguyen et al. (US 2003/0141361).

Claim 8 –

As per claim 8, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 7 as described above. Berardi et al. in view of Adam et al., Campisano and Shore do not explicitly disclose:

- *wherein the user-specific data includes a public network address for at least one user and the receipt generator is adapted to transmit a transaction receipt to said public network address.*

Adam et al. in view of Nguyen et al. teach *wherein the user-specific data includes a public network address for at least one user and the receipt generator is adapted to transmit a transaction receipt to said public network address* ((1) see at least paragraph [0177] of Adam et al. ("after the completion of the transaction an additional message may be communicated to the customer's mobile phone providing him with a storable proof of purchase..."); see at least Figs. 3-4, paragraph [0018] ("transaction data that needs to be delivered, ... (a) specific destination mobile device address; (b) the type of delivery service, for example, short message or electronic mail...", "associated with each financial account ID is a list of service attributes including, but not limited to, the mobile device address and the type of service delivery...") of Nguyen et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include proof of purchase to a customer mobile phone as taught by Adam et al. and a database that associates customer financial accounts with mobile device addresses as taught by Nguyen et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it provides the customer with proof of purchase for future reference at the customers mobile device (see at least paragraph [0177] of Adam et al.) and since when a financial transaction occurs it delivers such

information to the owner's mobile device (see at least paragraph [0006] of Nguyen et al.).

15. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Shore (US 2003/0149662) as applied to claims 11 above, further in view of Grunbok, Jr. et al. (US 6305603).

Claim 13 –

As per claim 13, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 11 as described above. Berardi et al. in view of Adam et al., Campisano and Shore do not explicitly disclose the following limitations:

- *wherein the at least one server device is provided with a scanning process for scanning through the ordered list until a sufficient balance is found to complete a transaction.*

Grunbok, Jr. et al. teach wherein the at least one server device is provided with a scanning process for scanning through the ordered list until a sufficient balance is found to complete a transaction (see at least col. 6, ll. 20-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include user access to financial accounts with immediate updated feedback from the financial institutions accessed as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since it allows the user to receive more accurate account information which helps to prevent user overdrafts (see at least col. 6, ll. 31-35 of Grunbok, Jr. et al.).

16. Claims 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Shore (US 2003/0149662) as applied to claim 40 above, further in view of Sohaei et al. (WO 02/09308).

Claim 44 –

As per claim 44, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 40 as described above. Berardi et al. in view of Adam et al., Campisano and Shore do not specifically disclose:

- *wherein in response to entry of the first part of the authorization data into the mobile phone, the mobile phone is adapted to perform a handshake operation with the client device and the client device is adapted to then issue said request to the mobile device requesting the mobile device identity information in response to receiving the first part of the authorization data from the mobile device.*

Sohaei et al. teach *wherein in response to entry of the first part of the authorization data into the mobile phone, the mobile phone is adapted to perform a handshake operation with the client device and the client device is adapted to then issue said request to the mobile device requesting the mobile device identity information in response to receiving the first part of the authorization data form the mobile device* (see at least pg. 9, ll. 19-20, 24-26, 30-31; pg. 10, ll. 1-7 of Sohaei et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include communication between a POS and a transponder in which a datalink is accomplished by continually transmitting a handshake request signal from a the base system until a signal is received form the transponder in response or the transponder continually transmitting the handshake request signal until a signal is received from the base system in response as taught by Sohaei et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since once a handshake request signal

is sent and a response is received, the data link is established and allows for bidirectional data transfers between the transponder and the base system (see at least pg. 10, ll. 5-7 of Sohaei et al.).

While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function alone. Moreover, the manner or method in which machine is to be utilized is not germane to issue of patentability of machine itself. As such, Berardi et al. discloses *"transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104" and verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader"*, therefore disclosing the claimed apparatus. Moreover, Campisano discloses a phone number and pin are entered and sent to a database for verification (see at least col. 1, ll. 46-51; col. 2, ll. 2-25, 33-35 of Campisano). The Examiner notes at least at paragraph [0065] of Applicants published version of the Application the PIN and phone number are sent to the Tagboard server to check to see if they are registered. As presented above, Campisano sends both the PIN and phone number to a database to verify. Please note, if a new combination of old elements is to be patentable, the elements must cooperate in such manner as to produce a new, unobvious, and unexpected result. Entering the PIN before or after the phone number has no patentable significance since entering the PIN prior to the number or after the number both result in verifying an associated account.

Claim 45 –

As per claim 45, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 44 as described above. Berardi et al., further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- wherein the client device is adapted to read the mobile device identity information from a shared memory in the mobile device via a client device contactless reader. (see at least col. 6, ll. 50-56, Fig. 2, (data memory 214), col. 7, ll. 32-33

(RFID reader is authenticated thereby providing to the RFID reader the account number stored on the FOB) of Berardi et al.)

17. Claims 14, 16-23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447).

Claim 14 –

As per claim 14, Adam et al. disclose *a payment apparatus for use in authorised transactions* having the limitations of:

- *at least one client device provided with an input for communicating with one or more mobile devices; (see at least Fig. 1A, "RFID reader"; col. 5, ll. 5-9 ("transponder 102 may provide the transponder identification and/or account identification to the RFID reader"); col. 5, ll. 15-16 (communicate via RF communication); col. 5, ll. 16-19 (typical devices may include, for example, a key ring, tag, card, cell phone, wristwatch or any such form…") of* Berardi et al.)
- *wherein the at least one client device is adapted to receive from a mobile device identity information for said mobile device and a first part of the authorization data comprising one of a personal identification number and code specific to said personal identification number via its input and to send said first part of the authorization data to the at least one server; (see at least col. 5, ll. 6-7 ("transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account") of Berardi et al.)*

Berardi et al. do not explicitly disclose:

- *at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data;*

Adam et al. teach *at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data* (*see at least paragraphs [0038], [0039] ("server comprises … a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored…, interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, …"), [0115] (CSC controls the transactions carried out by the customers and merchants), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits") of Adam et al.*). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.).

Berardi et al. do not explicitly disclose:

- *wherein the at least one server device is adapted to store said mobile device identity information and said authorization data including a second part of the authorsation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorisation data, to verify said*

authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a transaction.

Adam in view of Campisano teach *wherein the at least one server device is adapted to store said mobile device identity information and said authorization data including a second part of the authorsation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorisation data, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a transaction* ((1) *see at least paragraphs [0028] (the communication unit is adapted to identify the mobile phone by receiving an identifying RF signal from the mobile phone), [0039] ("server comprises … a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored…, interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, …"), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits"),* [0168] ("[o]nce POS 52 has received the customer's (*or his mobile phone) identification details in communication message 56…") of Adam et al.*); (2) see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. and cross-linking of a card holders phone number to the credit card number and providing the customer with a corresponding PIN One of ordinary skill in the art at the time of the

invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.), since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano) and since the validation process should be fierily quick and will retrieve the credit card linked to the phone number and PIN the card holder provided (see at least col. 2, ll. 32-35 of Campisano) and since if a match is made between the PIN and fob account the transaction may be allowed to be completed (see at least col. 18, ll. 47-54 of Berardi et al.).

Claim 16 –

As per claim 16, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 14 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein each client device is connected to a point of sale terminal. (see at least col. 3, ll. 26-29 ("RFID reader may forward the information to a point of interaction device (e.g. POS or computer interface) for transaction completion"), col. 5, ll. 32-34 of Berardi et al.)*

Claim 17 –

As per claim 17, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 14 as described above.

Adam et al. further teach:

- *wherein the at least one server device is provided on a networked computing platform in a secure location. (see at least paragraph [0115])*

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include subscribing to the service by

merchants and customers as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since the CSC controls the transactions carried out by the customers and merchants subscribed to the service (see at least paragraph [0115] of Adam et al.).

Claim 18 –

As per claim 18, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 17 as described above.

Adam et al. further teach:

- *wherein the second part of the authorisation data is stored by the at least one server device, or can be accessed by it, in fulfilling a service request from the client device(s).*

Adam et al. teach *wherein the second part of the authorisation data is stored by the at least one server device, or can be accessed by it, in fulfilling a service request from the client device(s)* (*see at least paragraphs [0039] ("server comprises … a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored…, interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, …"), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits") of Adam et al.*). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or

inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.).

Claim 19 –

As per claim 19, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 14 as described above.

Campisano further teach:

- *wherein the apparatus is further provided with a mapping capability for mapping the first part of the authorisation data to the second part.*

Campisano teach *wherein the apparatus is further provided with a mapping capability for mapping the first part of the authorisation data to the second part* (see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include cross-linking of a card holders phone number to the credit card number and providing the customer with a corresponding PIN as taught by Campisano. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano) and since the validation process should be fairly quick and will retrieve the credit card linked to the phone number and PIN the card holder provided (see at least col. 2, ll. 32-35 of Campisano).

Claim 20 –

As per claim 20, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 19 as described above. Campisano further teach:

- *wherein the mapping capability is provided by the at least one server device.*

Campisano teach *wherein the mapping capability is provided by the at least one server device* (see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include cross-linking of a card holders phone number to the credit card number and providing the customer with a corresponding PIN as taught by Campisano. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano) and since the validation process should be fairly quick and will retrieve the credit card linked to the phone number and PIN the card holder provided (see at least col. 2, ll. 32-35 of Campisano).

Claim 21 –

As per claim 21, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 14 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one server device is provided with at least one further client device so that it can initiate a service request to another server device. (see at least col. 3, ll. 26-29 ("RFID reader may forward the information to a point of interaction device (e.g. POS or computer interface) for transaction completion"), col. 5, ll. 32-34 of Berardi et al.)*

Claim 22 –

As per claim 22, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 14 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- wherein each input for communicating with one or more mobile devices supports a wireless connection. *(see at least col. 5, ll. 6-7 ("transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account"), col. 3, ll. 7-8 (radio frequency) of Berardi et al.)*

Claim 23 –

As per claim 23, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 22 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the wireless connection has a range of 0.5 meters or less. (see at least col. 5, ll. 6-7 ("transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account"), col. 3, ll. 7-8 (radio frequency) of Berardi et al.)*

Claim 25 –

As per claim 25, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 14 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *further comprising validation means for validating a unique identifier for each mobile device. (see at least col. 18, ll. 38-54 of Berardi et al.)*

18. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) as applied to claim 22 above, further in view of Grunbok, Jr. et al. (US 6305603).

Claim 24 –

As per claim 24, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 22 as described above. Berardi et al. in view of Adam et al., Campisano do not explicitly disclose:

- *wherein the wireless connection comprises an infrared connection.*

Grunbok Jr. et al. teach *wherein the wireless connection comprises an infrared connection* (see at least col. 3, ll. 22-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include infrared (IR) as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since infrared (IR) allows for wireless communication between a PDA and a POS (see at least col. 3, ll. 17-25 of Grunbok, Jr. et al.).

19. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Grunbok, Jr. et al. (US 6305603).

Claim 26 –

As per claim 26, Berardi et al. disclose *a payment apparatus for use in authorised transactions* having the limitations of:

- *at least one client device provided with an input for communicating with one or more mobile devices; (see at least Fig. 1A, "RFID reader"; col. 5, ll. 5-9 ("transponder 102 may provide the transponder identification and/or account identification to the RFID reader"); col. 5, ll. 15-16 (communicate via RF communication); col. 5, ll. 16-19 (typical devices may include, for example, a key ring, tag, card, cell phone, wristwatch or any such form…") of* Berardi et al.)
- *… wherein the at least one client device is adapted to receive identity information for a mobile device and a first part of the authorization data via its input from said mobile device and to send said identity information for said mobile device and said first part of the authorization data to the at least one server, … (see at least col. 5, ll. 6-7 ("transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account") of Berardi et al.)*

Berardi et al. do not explicitly disclose:

- *at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction comprising a transfer of funds between financial accounts and including verification of authorisation data; and*

Adam et al. teach *at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction comprising a transfer of funds between financial accounts and including verification of authorisation data* (*see at least paragraphs [0038], [0039] ("server comprises … a database which merchants' and customers' details, balance, credit limitations and any additional*

information details are stored…, interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, …"), [0115] (CSC controls the transactions carried out by the customers and merchants), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits") of Adam et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.).

Berardi et al. do not explicitly disclose:

- *the at least one server device is adapted to store said identity information for said mobile device and said authorisation data including a second part of the authorisation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorization data and said identity information for said mobile device, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to support a transaction …*

Adam in view of Campisano teach *the at least one server device is adapted to store said identity information for said mobile device and said authorisation data including a second part of the authorisation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorization data and said identity information for said mobile device, to verify said authorisation data and to*

retrieve said second part of the authorisation data comprising the user's financial data to support a transaction … ((1) *see at least paragraphs [0028] (the communication unit is adapted to identify the mobile phone by receiving an identifying RF signal from the mobile phone), [0039] ("server comprises … a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored…, interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, …"), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits"),* [0168] ("[o]nce POS 52 has received the customer's (*or his mobile phone) identification details in communication message 56…") of Adam et al.*); (2) see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. and cross-linking of a card holders phone number to the credit card number and providing the customer with a corresponding PIN One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.), since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano) and since the validation process should be fierily quick and will retrieve the credit card linked to

the phone number and PIN the card holder provided (see at least col. 2, ll. 32-35 of Campisano).

Berardi et al. do not explicitly disclose:

- *update means for updating data representing a cash amount …*
- *… comprising a transfer of funds at least on part by updating the data representing a cash amount.*

Grunbok, Jr. et al. teach update means for updating data representing a cash amount; *… comprising a transfer of funds at least on part by updating the data representing a cash amount* (see at least col. 6, ll. 20-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include a user access to financial accounts with immediate updated feedback from the financial institutions accessed as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since it allows the user to receive more accurate account information which helps to prevent user overdrafts (see at least col. 6, ll. 31-35 of Grunbok, Jr. et al.).

Claim 27 –

As per claim 27, Berardi et al. in view of Adam et al., Campisano, Grunbok, Jr. et al., teach the payment apparatus of claim 26 as described above.

Grunbok, Jr. et al. further teach:

- *wherein said data representing a cash amount is held, in use, on the one or more mobile devices.*

Grunbok, Jr. et al. teach *wherein said data representing a cash amount is held, in use, on the one or more mobile devices* (see at least col. 6, ll. 20-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the

payment apparatus of Berardi et al. to include a user access to financial accounts with immediate updated feedback from the financial institutions accessed as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since it allows the user to receive more accurate account information which helps to prevent user overdrafts (see at least col. 6, ll. 31-35 of Grunbok, Jr. et al.).

Claim 28 –

As per claim 28, Berardi et al. in view of Adam et al., Campisano, Grunbok, Jr. et al., teach the payment apparatus of claim 26 as described above.

Adam et al. further teach:

- *wherein said data representing a cash amount is held, in use, on the at least one server device.*

Adam et al. teach *wherein said data representing a cash amount is held, in use, on the at least one server device* (see at least paragraph [0128]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.).

20. Claims 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Grunbok, Jr. et al. (US 6305603) as applied to claim 26 above, further in view of Shore and Zingher et al (US 2004/0015450).

Claim 29 –

As per claim 29, Berardi et al. in view of Adam et al., Campisano, Grunbok, Jr. et al., teach the payment apparatus of claim 26 as described above.

Berardi et al., Adam et al., Campisano, Grunbok, Jr. et al., do not explicitly disclose the following limitations:

- *the update means being adapted to respond to a transaction including verification of authorisation data by increasing the cash amount*

Shore teach the update means being adapted to respond to a transaction including verification of authorisation data by increasing the cash amount (see at least Figs. 17a-d; paragraphs [0342]-[0346]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include the ability of a user to download ecash as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since the user is prompted to select an amount from a list of pre-set amounts or input an amount which in turn the Financial Service provider verifies that the user has sufficient funds to cover the requested amount before the ecash is downloaded (see at least paragraph [0345] of Shore).

Berardi et al., Adam et al., Campisano, Grunbok, Jr. et al., do not explicitly disclose the following limitations:

- *wherein the payment apparatus is adapted to support one or more unauthorised transactions, the update means being adapted to respond to a transaction including an unauthorised transaction by decreasing the cash amount.*

Zingher et al. teach wherein the payment apparatus is adapted to support one or more unauthorised transactions the update means being adapted to respond to a transaction including an unauthorised transaction by decreasing the cash amount (see at least paragraph [0017). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include a duress transaction by limiting the funds available from a customer's account as taught by Zingher et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since by limiting the funds available from customer's account helps to ensure that a criminal does not get away with large sums of money (see at least paragraph [0017] of Zingher et al.).

21. Claims 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Grunbok, Jr. et al. (US 6305603) as applied to claim 26 above, further in view of Shore.

Claim 30 –

As per claim 30, Berardi et al., Adam et al., Campisano, Grunbok, Jr. et al. teach the payment apparatus of claim 26 as described above Berardi et al. further discloses a payment apparatus for use in authorised transactions having the limitations of:

- *wherein the at least one server device is provided with a user data store adapted to store one or more sets of user-specific data for use in authorising transactions, (see at least col. 18, ll. 39-54 of Berardi et al.)*

Berardi et al., Adam et al., Campisano, Grunbok, Jr. do not explicitly disclose:

- *a user data maintenance process for storing and updating user data in the user data store.*

Shore teach a user data maintenance process for storing and updating user data in the user data store (see at least Figs. 24, 26, 28; paragraphs [0427]-[0429]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include user menu to update the persons profile and financial data as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al.. in this way since allowing a user to update personal and financial information ensures that the users information is up to date.

22. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. (US 2002/0181710) in view of Nguyen (US 2003/0141361) in view of Shore (US 2003/0149662).

Claim 31 –

As per claim 31, Adam et al., disclose *a receipting system for use in a purchasing transaction, the purchasing transaction having an associated identifier including identity information for a mobile device, the system comprising* having the limitations of:

Adam disclose:

- *i) an input device that receives transaction information; (see at least* at least at Fig. 10, paragraphs [0041], [0175]-[0177]; [0119], [0156], [0168] of Adam et al.)

Adam disclose:

- *ii)a receipt generator device that generates a receipt for a notified payment; (see at least* at least at Fig. 10, paragraphs [0041], [0175]-[0177]; [0119], [0156], [0168]; [0177] ("after the completion of the transaction an additional message may be communicated to the customer's mobile phone providing him with a storable proof of purchase…") of Adam et al.)

Adam disclose:

- *iii)a data store that stores [[network addresses]] and the associated purchasing transaction identifiers, the data store configured to store one or more sets of user-specific data for use in authorizing transactions;* (*see at least paragraphs [0039] ("server comprises … a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored…, interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, …"), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits") of Adam et al.*);

Adam do not explicitly disclose:

- *a data store that stores [[network addresses]]*

Adam et al. in view of Nguyen et al. teach *a data store that stores [[network addresses]]* ((1) see at least paragraph [0177] of Adam et al. ("after the completion of the transaction an additional message may be communicated to the customer's mobile phone providing him with a storable proof of purchase…"); see at least Figs. 3-4, paragraph [0018] ("transaction data that needs to be delivered, … (a) specific destination mobile device address; (b) the type of delivery service, for example, short message or electronic mail…", "associated with each financial account ID is a list of service attributes including, but not limited to, the mobile device address and the type of service delivery…") of Nguyen et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Adam et al. to include proof of purchase to a customer mobile phone as taught by Adam et al. and a database that associates customer financial accounts with mobile device

addresses as taught by Nguyen et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Adam et al. in this way since it provides the customer with proof of purchase for future reference at the customers mobile device (see at least paragraph [0177] of Adam et al.) and since when a financial transaction occurs it delivers such information to the owner's mobile device (see at least paragraph [0006] of Nguyen et al.).

Adam do not explicitly disclose:

- *iv)a user data maintenance computer program, operably stored on a processor accessible to the data store, for storing and updating user data in the data store, the network addresses being stored therein as user-specific data*

Shore teach *a user data maintenance computer program, operably stored on a processor accessible to the data store, for storing and updating user data in the data store, the network addresses being stored therein as user-specific data* (see at least Figs. 24, 26, 28; paragraphs [0427]-[0429]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Adam et al. to include user menu to update the persons profile and financial data as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Adam et al. in this way since allowing a user to update personal and financial information ensures that the users information is up to date.

Adam disclose:

- *v) an interface device, connected to the network, that transmits the receipt generated for the purchasing of the transaction to the associated network address. (see at least* at least at Fig. 10, paragraphs [0041], [0175]-[0177];

[0119], [0156], [0168]; [0177] ("after the completion of the transaction an additional message may be communicated to the customer's mobile phone providing him with a storable proof of purchase…") of Adam et al.)

Claim 32 –

As per claim 32, Adam et al. in view of Nguyen in view of Shore teach the receipting system of claim 31 as described above. Adam et al., at least at paragraphs [0126]-[0129], [0131], further discloses *a receipting system for use in a purchasing transaction* having the limitations of:

- *wherein at least one identifier associated with a transaction comprises or represents a personal identification number.*

23. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grunbok, Jr. et al. (US 6305603) in view of Nguyen et al.

Claim 34 –

As per claim 34, Grunbok et al. disclose *a payment system for use in user transactions, each transaction giving rise to a price list for goods or services covered by the transaction, wherein each user has at least one associated identifier including identity information for a mobile device of said user, the payment system* having the limitations of:

- *an input device that receives identifiers;* (see at least col. 3, ll. 43-50 (PDA in communicative via mechanism 12 to a transaction processor's or store's computer system 20); col. 5, ll. 10-33 of Grunbok).
- *a price list computer program, operably stored on a processor accessible to the data store, for processing a price list arising form a transaction, by applying user specific data from the data store, the user specific data being associated with an identifier received in relation to said transaction* (see at least col. 6, ll. 20-31; col. 5, ll. 10-33 of Grunbok).

Grunbok does not explicitly disclose:

- *a data store for storing user specific data in association with at least one of the received identifiers;*

Nguyen et al. teach *a data store for storing user specific data in association with at least one of the received identifiers* (see at least Figs. 3-4, paragraph [0018] ("transaction data that needs to be delivered, … (a) specific destination mobile device address; (b) the type of delivery service, for example, short message or electronic mail…", "associated with each financial account ID is a list of service attributes including, but not limited to, the mobile device address and the type of service delivery…") of Nguyen et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Grunbok to include a database that associates customer financial accounts with mobile device addresses as taught by Nguyen et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Grunbok in this way since when a financial transaction occurs it delivers such information to the owner's mobile device (see at least paragraph [0006] of Nguyen et al.). Grunbok further disclose that financial institution computer system(s) 30, 32, 34 receive encryption keys from PDA 10 and store computer 20 and the encryption keys are returned or transmitted to the PDA and store computer system (see at least col. 5, ll. 10-13 of Grunbok). Grunbok further teach that the current account(s) information is transmitted to the PDA 10 and that this information advantageously would include at least current account(s) balance(s) and possibly all past transactions, i.e. account transaction history, which may or may not have been recorded by the PDA user (see at least col. 5, ll. 14-17 of Grunbok).

24. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grunbok, Jr. et al. (US 6305603) in view of Nguyen et al. as applied to claim 34 above, further in view of Shore.

Claim 35 –

As per claim 35, Grunbok in view of Nguyen teach the payment system of claim 34 as described above. Grunbok in view of Nguyen do not explicitly disclose the following limitations:

- *wherein at least one user has at least two associated identifiers and the data store, in use, stores different user specific data in association with each respective identifier associated with said at least one user.*

Shore teach wherein at least one user has at least two associated identifiers and the data store, in use, stores different user specific data in association with each respective identifier associated with said at least one user (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Grunbok to include one of several credit or bank accounts, or electronic cash as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Grunbok in this way since this allows a user to chose from one of several accounts (see at least paragraph [0063] of Shore).

25. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. and in view of Nguyen.

Claim 37 –

As per claim 37, Adam et al. disclose *a method of providing a receipt in respect of a transaction* having the limitations of:

- *receiving, on a processor adapted to provide the transaction receipt, transaction information including identity information for a communication device from said communication device …; (see at least* at least at Fig. 10, paragraphs [0041], [0175]-[0177]; [0119], [0156], [0168]; [0177] (“after the completion of the transaction an additional message may be communicated to the customer’s mobile phone providing him with a storable proof of purchase…”) of Adam et al.)

- *making, on the processor, a transaction in respect of goods or services; (see at least* at least at Fig. 10, paragraphs [0041], [0175]-[0177]; [0119], [0156], [0168] of Adam et al.)
- *generating, on the processor, a receipt in respect of the transaction; (see at least* at least at Fig. 10, paragraphs [0041], [0175]-[0177]; [0119], [0156], [0168]; [0177] ("after the completion of the transaction an additional message may be communicated to the customer's mobile phone providing him with a storable proof of purchase…") of Adam et al.)

Adam et al. do not explicitly disclose:

- *… having an address in a public network*

Adam et al. in view of Nguyen et al. teach *… having an address in a public network;* ((1) see at least paragraph [0177] of Adam et al. ("after the completion of the transaction an additional message may be communicated to the customer's mobile phone providing him with a storable proof of purchase…"); see at least Figs. 3-4, paragraph [0018] ("transaction data that needs to be delivered, … (a) specific destination mobile device address; (b) the type of delivery service, for example, short message or electronic mail…", "associated with each financial account ID is a list of service attributes including, but not limited to, the mobile device address and the type of service delivery…") of Nguyen et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Adam et al. to include proof of purchase to a customer mobile phone as taught by Adam et al. and a database that associates customer financial accounts with mobile device addresses as taught by Nguyen et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Adam et al. in this way since it provides the customer with proof of purchase for future reference at the customers mobile device (see at least paragraph [0177] of Adam et al.) and since when a financial transaction

occurs it delivers such information to the owner's mobile device (see at least paragraph [0006] of Nguyen et al.).

Adam et al. do not explicitly disclose:

- *transmitting the generated receipt from the processor to a communication device having a different address in a public network.*

Nguyen et al. teach *transmitting the generated receipt from the processor to a communication device having a different address in a public network* (see at least paragraph [0018] (Fig. 4, (b) the type of delivery service, for example, short message or electronic mail…", "associated with each financial account ID is a list of service attributes including, but not limited to, the mobile device address and the type of service delivery…") of Nguyen et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Adam et al. to include temporary mobile device address as taught by Nguyen et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Adam et al. in this way since it provides the customer with proof of purchase for future reference at the customers mobile device (see at least paragraph [0177] of Adam et al.) and since delivery service can be either SMS or email (see at least paragraph [0018] of Nguyen et al.).

Response to Arguments

26. Applicant's arguments, see Response, filed 29 February 2009, with respect to authorization data as claimed have been fully considered and are persuasive. The rejections set for in the Office Action dated have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of claims 1-14 and 16-45.

- 102 Arguments with respect to independent claim 36 as being anticipated by Beradi:

  Applicant argues that the cited text of Beradi '226 discloses that additional or secondary verification may be provided by user input of a pin. From this, Applicant concludes that Beradi '226 teaches only that a user input PIN can be compared to a stored corroborating PIN, either locally at the point of sale or at a remote payment authorization center and does not meet the express limitations of claim 36. The Examiner respectfully disagrees with Applicants arguments. In particular Beradi '226 teaches one embodiment includes that the PIN be forwarded to a remote payment authorization center which determines whether the PIN matches the PIN stored in the payment authorization center database ***which correlates to the fob accounts***. Beradi further teaches that if a match is made the transaction may be allowed to be completed. These teachings of Beradi address the current claim language. Moreover, the Examiner points Applicants to paragraph [0011] of the present application which states the "first part" may comprise for example "a PIN".

> [0011] The ***first part*** of the authorisation data may comprise for example ***a PIN*** which a user enters to a mobile device for transmission to one of the one or more client devices. Alternatively, the first part of the authorisation data might comprise a PIN-specific code which the mobile device looks up on receipt of a valid PIN. The ***second part*** of the authorisation data may ***comprise financial data associated with that user, such as numbers for credit, debit, switch or store cards or bank accounts***.
>
> In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a user input PIN (or other identifier) could be used to locate a set of one or more authorization codes that an authorization code form said set could them be used for authorizing the transaction information) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Examiner also points Applicants to col. 18, ll. 9-39 of Beradi et al. (US 7239226):

> It should be noted that the transaction ***account associated with the fob*** 102 may include **a restriction**, such as, **for example, a per purchase spending limit, a time of day use, a day of week use, certain merchant use and/or the like, wherein an additional verification is required** when using the fob outside of the restriction. The restrictions may be personally assigned by the fob 102 user, or the account provider. For example, in one exemplary embodiment, the account may be established such that purchases above $X (i.e., the spending limit) must be verified by the customer. Such verification may be provided using a **suitable personal identification number (PIN)** which may be recognized by the RFID reader 104 or ***a payment authorization center*** (not shown) as being unique to the fob 102 holder (e.g., customer) and the correlative fob 102 transaction account number. ***Where the requested purchase is above the established per purchase spending limit, the customer may be required to***

provide, for example, a PIN, biometric sample and/or similar ***secondary verification to complete the transaction***.

Where ***a verification PIN is used as secondary verification*** the verification PIN may be checked for accuracy against a corroborating PIN which correlates to the fob 102 transaction account number. The corroborating PIN may be stored locally (e.g., on the fob 102, or on the RFID reader 104) or may be stored on a database (not shown) at the payment authorization center. The payment authorization center database may be any database maintained and operated by the fob 102 transaction account provider.

The verification PIN may be provided to the POS device 110 using a conventional merchant (e.g., POS) PIN key pad 118 in communication with the POS device 110 as shown in FIG. 1, or a RFID keypad in communication with the RFID reader 104. PIN keypad may be in communication with the POS device 110 (or alternatively, RFID reader 104) using any conventional data link described above. Upon receiving the verification PIN, the RFID reader 104 may seek to match the PIN to the corroborating PIN stored on the RFID reader 104 at database 310 or 320. Alternatively, the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob 102 account. If a match is made, the purchase may no longer be restricted, and the transaction may be allowed to be completed.

- 103 Arguments with respect to independent claim 1:

  Please note that Beradi et al. is utilized to teach "a first part of authorization data" and "identity information for said mobile device" not Adam as argued at pg. 16 of Applicants response.

  Adam et al. –

  As presented in the Office Action Adam et al. teaches:

- *ii) at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data;*

*See paragraphs [0038], [0039] ("**server comprises** … **a database** which merchants' and **customers' details**, balance, credit limitations and any additional information details are stored…, **interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units**, …"), [0115] (CSC controls the transactions carried out by the customers and merchants), [0128] (administrating server 3, CSC, administers account of merchants, and **customers whose details and balance (or credit limitations) are maintained in a database by the CSC**), [0129] ("**the customer's** and merchant's **identification details are verified with reference to the data stored in the CSC database** and **the transaction amount to be paid is compared with the balance of the customer's account or his credit limits**") of Adam et al..*

See at least *paragraph [0028] (**the communication unit is adapted to identify the mobile phone by receiving an identifying RF signal from the mobile phone**);* [0168] ("[o]nce POS 52 has received the customer's (*or his mobile phone) identification details in communication message 56…")* of Adam et al.

Beradi et al.

As the rejection points out, Beradi et al. teach "at least one client device adapted to receive from a mobile device a first part of the authorization data and identity information for said mobile device and send said first part of the authorization data and the mobile device identity information to the at least one server", *(see at least col. 5, ll. 6-7 ("**transponder** 102 may provide **the transponder identification and/or account identifier to the RFID reader** 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using … a RFID keypad in communication with the RFID reader", "**the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account**") of Berardi et al.)*

***Please note at col. 5, ll. 6-9 of Berardi et al states:

"The transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104 which may further provide the information to the merchant system 103 POS device 110."

***Please further note at col. 1, l. 67 through col. 2, l. 3 of Berardi et al recognizes:

"Fob identification data is typically passed to a third party server database, where the identification data is referenced to a customer (e.g. user) credit or debit account."

***As pointed out above Beradi et al. teaches the first part and the identity information. Moreover, Adam teaches a central database that correlates mobile device information with customer details.

Campisano

Campisono shows the linking of (1) an identification, i.e. phone number, to (2) a second part, i.e. a credit card number, and (3) a first part, i.e. corresponding PIN. Where (1) the phone number of Campisono being related to the phone identity as claimed and as shown by Beradi et al., (2) the PIN of Campisono being related to the first authorization as claimed and as shown by Beradi et al., (3) the card number of Campisono being related to the second part of the authorization and as shown by Adam, i.e. customers details, balance, credit limitations which are associated with the customer's (or his mobile phone) identification details.

See at least col. 1, ll. 46-51 (“cross-linking the cardholder’s phone number to the credit card number and providing the customer with a corresponding PIN”; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano.

The Examiner also directs Applicants to paragraph [0014] of the present application:

[0014] Preferably, the apparatus is provided ***with a mapping capability for mapping the first part of the authorisation data to the second part***. This might be in the ***form of a data table***, listing authorised first parts against appropriate second parts. An example would be a list of ***PINs, or PIN-specific code, mapped to financial data***. One mobile device may be associated with more than one PIN, each being mapped directly or indirectly to a different set of financial data. Preferably, the mapping capability is provided by the at least one server device, and not a client device, for increased system security.

- 103 Arguments with respect to independent claim 14:

  The Examiner directs Applicants to the above arguments for claim 1 as the Applicants arguments set forth for claim 14 are the same or substantially similar to that presented for claim 1.

- 103 Arguments with respect to independent claim 26:

  As pointed out by Applicants the only substantive difference is that claim 14 refers to financial data to “complete” a transaction whereas claim 26 refers to financial data to “support” a transaction. Applicant further state that otherwise the differences are merely minor matter of nomenclature such as using “mobile device identity information” in place of “identity information.”

As such, the Examiner directs Applicants to the above arguments for claim 14 and 1 as the Applicants arguments set forth for claim 26 are the same or substantially similar to that presented for claim 14 and 1.

- 103 Arguments with respect to independent claim 31:

  Applicants arguments are not persuasive as the rejection set forth was Adam in view of Nguyen. In particular, as presented in Office Action see at least paragraph [0177] of Adam et al. ("after the completion of the transaction an additional message may be communicated to the customer's mobile phone providing him with a storable proof of purchase…"); see at least Figs. 3-4, paragraph [0018] ("transaction data that needs to be delivered, … (a) specific destination mobile device address; (b) the type of delivery service, for example, short message or electronic mail…", "associated with each financial account ID is a list of service attributes including, but not limited to, the mobile device address and the type of service delivery…").

  **The Examiner notes that Applicants rolled claim 33 into claim 31, however, claim 31 was further amended to incorporate limitations that were not presented in the previous Office Action therefore requiring further search and consideration.

- 103 Arguments with respect to independent claim 34:

  The Examiner requests clarification of amendments presented for claim 34, in the claim amendments presented by Applicants do not match up with the claim 34 presented in the previous Office Action. For instance pg. 8 of the current claim set recites "an input device that receives ~~for receiving~~ identifiers;", the Examiner notes that "an input for receiving identifiers" was not recited as such in claim 34 as presented in the previous Office Action. Appropriate correction and clarification is required by Applicant.

Applicants argue "price list" however the specification as filed does not provide guidance as to what is inclusive for the term "price list" nor does the specification as filed provide an explicit definition for the term.

Applicants arguments are moot since Applicants are arguing limitations that are no longer present in the claim.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an example of processing of a price list of a transaction by applying user specific data is for a loyalty scheme in which a user may have a discount arising from their purchasing history) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

- 103 Arguments with respect to independent claim 37:
  Applicants arguments are moot in view of new grounds of rejection.

  Please note that different addresses can encompass SMS (mobile phone number) or email (Mobile IP address).

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH M. MONFELDT whose telephone number is (571)270-1833. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm (EST) ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarah M Monfeldt/
Examiner, Art Unit 3684

/Kambiz Abdi/
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